

November 6, 2014

The meeting of the Middlesex Board of Health was held on the above date in the Municipal Building and called to order at 7:00 p.m. by the Board President with the following statement:

“This meeting is being held in compliance with the Open Public Meeting Law in that all the requirements of the Law have been met by the Sunshine Law Meeting Notice forwarded to the Courier News, Home News, and Star Ledger and posted in the Municipal Building on December 19, 2013.

### **Roll Call**

Barbara Benson  
Amy Bigge  
Amy Burke  
Charles Corcoran  
Michael Conahan 1<sup>st</sup> Alternate                      Absent  
Melissa Fedosh  
Thomas Harrity  
Ceil Slauson

Others in Attendance:              Kevin Dotey, Liaison                      Absent  
   Terry Brundage, SREHS

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**Presentations: None**

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### **Minutes**

Board Member Bigge made a motion to table the approval of the October 2, 2014, 2014 Meeting Minutes seconded by Board Member Slauson and carried by a unanimous vote of Board of Health members.

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**Executive Session:** None

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### **Reports**

- A.     Board member Ceil Slauson attended a Fracking Presentation on October 22, 2014. She reported that fracking targets shale formations and a large base of shale (South Newark Basin) rests under Somerset/Middlesex/Mercer/Union counties. Fracking drills may run

horizontally 10,000' up to a mile in order to water blast the gas release through the rock, so activities in one municipality may impact surrounding municipalities. A listing of toxic chemicals expelled into the air from the fracking process was displayed. Fracking was exempted from the Clean Air Act, Clean Water Act, the Resource and Recovery Act, and the Superfund. Fracking can be performed in as little as an acre of property and recycling of the millions of gallons of chemical laced water is largely not feasible due to the high salt content for which open collection pools are necessary.

Board member Slauson reported that some NJ municipalities have already enacted Fracking Bans (Highland Park, New Brunswick, Franklin Township, and Princeton) but only the City of Elizabeth has a ban on fracking waste. It was also reported that any "Ban" must be in the municipality's master plan or it can be overturned through a zoning challenge.

The Board commissioners asked that the Board Secretary get Highland Park's fracking ordinance and further discussion will be had at that meeting. Mayor Dobies is addressing this at the Regular Meeting of the Council on November 18, 2014. Members asked that we find out who would move forward with the ordinance (Governing Body or Board of Health).

- B. Activities Report – REHS, Terry Brundage presented the Activities Report for the month of September and the Monthly Statistics for October, 2014.

REHS Terry Brundage stated that the Rabies Clinic had 70 dogs and 24 cats vaccinated at the Rabies Clinic on Saturday, November 1<sup>st</sup>.

- C... Registrar's Report - Board Secretary read the Registrar's Report for October, 2014.
- D. Middlesex County Environment Health Division (Air, Water, Noise & Solid Waste Complaints) – None.
- E. Report from County Health Office Les Jones titled Spray Tek (Odor Complaints) – There were four complaints in October all were listed as "NCA". President Harrity stated that he would look into whether Spray-Tek had the scrubbers installed and would get back to the board at the next meeting.

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## **Finance Report**

- A. Board of Health License Fees Collected October, 2014: \$ 0.00  
Registrar Fees Collected October, 2014 \$198.00

C. Bill List – Resolution to Acknowledge All Claims: None

Board Member Corcoran made a motion to accept the Financial Report seconded by Board Member Slauson and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, Harrity, Slauson. No: None. Abstain: Benson.

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### **Correspondence** – None

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### **Unfinished Business**

- A. By-Laws of the Middlesex Board of Health – Board member Bigge and the committee have made the revisions and are waiting on the Borough Attorney for further review.
  - B. Update/Status of Public Park No Smoking Initiative Ordinance - President Harrity made the proposed changes recommended by the Mayor to the ordinance. There was one grammatical change and additional word added under Section 343-8 E. Paragraph A “parking lots” was included to the definition in title 39 of NJ Revised Statutes. Board member Fedosh made a motion to that the ordinance attached be sent to the Governing Body as their recommendation seconded by Board member Corcoran and carried by the following roll call vote. Ayes: Benson, Bigge, Burke, Corcoran, Fedosh, Harrity, and Slauson. No: None. Abstain: None.
  - C. Food Licensing Renewal Fee for Non-Profits – The committee is waiting on finishing the By-laws before they review the food licensing renewals for non-profit. Health Inspector Brundage gave the committee a report of all the non-profit organizations that he inspects.
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### **Old Business**

- A. Pot Belly Pig – In attendance at tonight’s meeting was Debbie Chok. Mrs. Chok is the resident who is asking for the permit for a 9 year old domesticated pet pig. Mrs. Chok stated that she has spent a lot of time with the pig and has been shown how to handle and work with her. She is litter trained but will go outside to the bathroom. The pig is already socialized. Although the yard is fenced in, she has not yet notified the neighbors because she hasn’t received the permit. Board member Benson did not receive the background regarding this request and therefore will not be voting in favor of this request because the zoning official needs to put in writing that there is no zoning regulation in question.

Board member Slauson made a motion to approve the license application seconded by Board member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, Harrity, Slauson. No: Benson. Abstain: None.

Board Secretary will prepare a letter for Mrs. Chok to give to the adoption agency once she receives the zoning official's response.

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### **New Business - None**

### **Website**

- A. The Calendar of Events was posted for the month of November.

### **Addendum**

- A. Ebola – Members suggested that the Mayor and Council setup emergency preparations on how to respond to an Ebola incident. REHS Brundage stated that the County responders are being trained for an outbreak if any should occur. President Harrity will ask that the Mayor include in his monthly editorial in the Community News information regarding Ebola.
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### **Public Portion**

President Harrity opened the meeting to the public for anybody wishing to speak.

Seeing that there was no public comment, President Harrity closed the public portion of the meeting.

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Board Member Corcoran moved for adjournment seconded by Board Member Slauson and carried by a unanimous vote of members present.

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Kathleen Anello  
Board Secretary

**BOROUGH OF MIDDLESEX  
ORDINANCE NO.**

**AN ORDINANCE AMENDING THE “CODE OF THE BOROUGH MIDDLESEX”  
CHAPTER 343-8 Smoking prohibited in certain outdoor public properties**

**BE IT ORDAINED** by the Board of Health of the Borough of Middlesex, County of Middlesex, State of New Jersey, that:

1. Chapter 343, section 8 of the “Code of the Borough of Middlesex” concerning Smoking in certain outdoor public properties is amended as follows:

1. Section 343-8 A through D prohibits smoking or use of tobacco products on educational properties, at outdoor sporting events and within 20 feet of playgrounds.

2. The following NEW section E is hereby added to Chapter 343 and shall read as follows:

Section E. Outdoor Smoking Prohibited on Borough Public Park and Recreational Properties

Section 343-8 E. Preamble.

The following are the purposes of this amendment:

A. The United States Surgeon General has determined that there is no safe level of exposure to secondhand smoke and that nonsmoking Americans exposed to secondhand smoke in public places are at significantly increased risk of heart disease and lung cancer (see U.S. Department of Health and Human Services, The Health Consequences of Involuntary Exposure to Tobacco Smoke: a report of the surgeon General, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006); and

B. Smoking is the leading cause of death in the United States and the United States Centers for Disease Control and Prevention has determined that reduction of the death and disease caused by tobacco use and exposure to secondhand smoke is one of six top national healthcare priorities.

C. The New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) specifically authorizes local restrictions on smoking “equivalent to, or greater than those provided in the NJSFAA for purposes of “protecting public health”.

Section 343-8 E . Definitions.

As used in this Amendment, the following terms shall have the following definitions:

A. SMOKING means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

B. Electronic smoking device means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

#### Section 343-8

#### **E.** Smoking on Outdoor Grounds of Borough Public Parks and Recreational Areas Prohibited.

A. No person shall smoke while on the outdoor grounds of any and all of the Borough public parks, whether owned, leased or utilized by the Borough. Smoking shall be prohibited on all public park land, except in areas specifically designated by the Borough's governing body and suitably equipped for that purpose. For purposes of this Section only, public streets and highways as defined in Title 39 of New Jersey's Revised Statutes, including any sidewalks and parking lots abutting same, shall not be considered public land.

B. Any existing ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed but only to the extent of such inconsistency.

C. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

ADOPTED:

APPROVED:

ATTEST:

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Borough Clerk

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Mayor